

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

DEAN F. O'NEIL

PLAINTIFF

v.

Civil No. 06-3055

STATE OF ARKANSAS; COUNTY
OF BOONE; and GORDON WEBB,
Boone County Prosecuting Attorney

DEFENDANTS

O R D E R

Now on this 13th day of December, 2006, comes on for consideration the **Report And Recommendation Of The Magistrate Judge** (document #4), recommending that plaintiff's complaint be dismissed for failure to obey a court order directing him to complete and return an application to proceed *in forma pauperis*.

Plaintiff objects that he did not receive the application, and asks that he be sent another.

The Court finds that, under the circumstances, a second application to proceed *in forma pauperis* should be furnished to plaintiff, and he should be given an opportunity to complete and return it.

IT IS THEREFORE ORDERED that the **Report And Recommendation Of The Magistrate Judge** is not adopted.

IT IS FURTHER ORDERED that the Clerk of Court furnish plaintiff with an application to proceed *in forma pauperis*, and that plaintiff complete, sign, date and return said application

for filing on or before January 12, 2007.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE